

SEWER COMMISSION MINUTES

September 12, 2007

Mrs. Briggs - The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday September 12, 2007 at 7:02 pm.

Roll Call - Mrs. Paul - In attendance was: Mr. Nordstrom, Mrs. Briggs, Mr. Connolly and Mrs. Paul Secretary. Mr. Tikoian and Mr. McGee were not in attendance.

1. APPROVAL OF MINUTES

Mrs. Briggs -Approval of Sewer Commission for August 8, 2007 minutes. There wasn't a quorum present to approve the August 8th minutes and also due to having Mr. Nordstrom not present at the August meeting.

No motions were made and August's minutes will be carried over to October's meeting.

2. REPORT FROM SUPERINTENDENT

Mr. Alvarez stated that he has no significant issues or concerns to report at that time. He informed the commission that he will forward a report at next months meeting.

Mr. Nordstrom asked Mr. Alvarez if the muffin monster has been installed yet.

Mr. Alvarez stated that it will be installed tomorrow, Thursday will be the day for the start-up on the muffin monster.

Mr. Nordstrom asked Mr. Alvarez who will be there at the start-up?

Mr. Alvarez's stated it would be Eastern Piping.

3. SUSAN BOWAB-Sewer Assessment Fee Abatement-Back-Up Correspondence

Mrs. Briggs had a conversation with Mrs. Bowab and she clarified that the only consideration she is looking for is for the commission to make a recommendation that connecting would be a financial hardship and therefore we would recommend that she would not be required to connect. Mrs. Bowab assured her that she was not looking for any consideration to abate the O&M/usage fee or any assessment costs.

MOTION by Mr. Connolly, seconded by Mr. Nordstrom that the Sewer Commission recommend that it would be an undue hardship for Mrs. Bowab to connect to the sewer and grant her a waiver for requirement to connect.

Mr. Nordstrom stated that since Mrs. Bowab doesn't want to waive the assessment nor O&M fees since she is paying for them.

Mrs. Briggs stated that she is looking not to connect. Her fear is that someone will place a fine on her because she hasn't paid.

Mr. Nordstrom stated that she is not looking for a waiver; she is looking that no enforcement action be taken against her.

Mrs. Briggs response was yes.

Upon discussion, Mr. Nordstrom wanted to include in the motion that Mrs. Bowab agreed to pay the assessment and the fees that we will not go after her and charge her with a violation and that she is in compliance with the sewer ordinance and no enforcement action will be taken and charge her the assessment. So Mr. Connolly withdrew his motion and Mr. Nordstrom withdrew his second.

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and voted unanimously on an aye vote 3-0 that the Sewer Commission agreed that Mrs. Bowab as long as she is paying the annual fee and it is documented that she is paying the sewer assessment that she would be exempt from enforcement action by the town for non-compliance but that in any transfer of sale of property that the new property owner understand that the house is not connected to the sewer system and that they would have to continue to pay the user fee even

though they are not connected to the system.

Mr. Alvarez noted that this year the DEM now has a new rule on septic systems that may affect her if they sell the property. They are supposed to phase out cesspools.

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Mr. Nordstrom stated that somehow in the deed it has to be noted that this is a condition of the sale.

4. FACILITY PLAN DISCUSSION

Mrs. Briggs talked to Mr. Jim Geremia last month and spoke to Mrs. Thibault who wanted to make sure that the sewer commission goes before the council. Mrs. Briggs stated that they interpreted that as a potential desire for the council to conduct the public hearing and hadn't heard back from Mrs. Thibault and was looking at the October 1st town council meeting. When she spoke to Mr. Geremia, his response was that it can not be done at a council meeting and it has to be a stand alone thing. She is still trying to get those two individuals together so the council understands what it is that they have to do.

Mrs. Briggs suggested that it could be before one of the Sewer Commission meetings.

Mr. Connolly feels that would be fine by him but if the council chooses to move anyway they wish and the commission might recommend.

Mr. Nordstrom feels that the commission should recommend to the council and if they want to come to it, they can but it is really better if it is a separate transaction and keep the record open for the ten days for public comment and advertise that it is a separate stand alone meeting.

Mr. Connolly agreed that the public hearing could be done on the same night as the sewer commission meeting, the meeting would be open business conducted and then adjourned and then the sewer commission meeting would convene.

Mrs. Briggs will meet with Mr. Geremia and Mrs. Thibault and have them reach out to the solicitor and he said there was no need to advertise and she feels that there is a need to advertise and feels that they don't totally understand the process of what she was trying to explain.

Mr. Nordstrom stated that there maybe some type of requirements or procedures in RI that needs to be followed. He thinks that the RI Administrative Procedures Act has a formula for how many days they have to advertise in advance and how many days the hearing has to

keep open for.

Mrs. Briggs stated she will continue to work on it but told members to plan for the October meeting to schedule and allocate time and she will inform members of how she makes out.

5 CORRESPONDENCE & COMMUNICATIONS

None

6. OLD BUSINESS

Mr. Nordstrom wants clarification for Dowling Village and edu's and (ISDS) rules and suggests to getting better clarification on calculating the edu's. Rather than having the superintendent Mr. Alvarez because he is the staff person to interpret it and make a recommendation, he feels he would like some guidance from Geremia & Associates since they wrote out the ordinance on how Mr. Alvarez should administer that part of the ordinance. He feels that there maybe a cleaner way of doing the calculations by charging them per unit instead of by edu's and figuring out the painstaking calculations of calculating edu's every time there is a development and lean on Geremia to say to have a cleaner way of doing this. To try and comply in the future, it may be difficult. He feels that he doesn't think that it is the sewer commissions place to set the rates; it is the sewer commissions place to act on what Mr. Alvarez gives to the commission and/or his successors to recommend something to the commission.

Mr. Alvarez stated that he will set up another meeting with Geremia.

Mrs. Briggs will invite Geremia and Associates to discuss further and place on October's agenda discussion on commercial development fees.

7. NEW BUSINESS

Mr. Connolly expressed that he has spoken with some members on the personnel board and he believes that they have endorsed the bond issue.

Mrs. Briggs thinks and have been told that the various boards will be asked to make a statement one way or the other.

Mr. Connolly stated that the personnel board has sent out a very nice letter to do just that.

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Mrs. Briggs stated that she has not received a letter and she understood that there was a letter going out but perhaps she stated she'll try to get a hold of it. She knows that people of been asked to provide endorsement. If anyone is interested in putting out a press release, letter to the editor in support of a bond, she thinks that would

be helpful.

Mr. Nordstrom had a question regarding filling out a conflict of interest form. He is required to fill out a conflict of interest because of his roll in his job. He suggests and feels that it be done for all commission members to protect themselves because of their various jobs. The question is are they required to complete a conflict of interest form? He does it with his company and because of the position he has at where he works. He is asking for clarification from the ethics commission and asks Mrs. Briggs to send them a letter from the commission.

Mrs. Briggs and Mr. Connolly agree with Mr. Nordstrom.

Mr. Nordstrom feels that they should always air on the side of caution.

8. ADJOURN

MOTION by Mr. Connolly, seconded by Mr. Nordstrom and voted unanimously on an aye 3-0 vote to adjourn the meeting at 7:41 P.M.

Meeting adjourned at 7:41 P.M.

Respectfully Submitted By,

Patricia A. Paul

Sewer Commission Secretary